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**PRELIMINARY DRAFT  
No. 3191**

**PREPARED BY  
LEGISLATIVE SERVICES AGENCY  
2010 GENERAL ASSEMBLY**

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**DIGEST**

**Citations Affected:** IC 12-17.2.

**Synopsis:** Child care. Specifies caregiver and staffing requirements for licensed and registered child care providers and all child care providers that receive federal child care and development fund vouchers. Amends certain requirements for registration of child care ministries.

**Effective:** July 1, 2010.



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 12-17.2-3.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) At least one (1) ~~adult~~ individual who: ~~maintains annual certification in a course of cardiopulmonary resuscitation applicable to all age groups of children~~ cared for by a provider

(1) is at least twenty-one (21) years of age; and

(2) possesses a child development associate credential from the Council for Professional Recognition, or an equivalent credential from a nationally recognized credentialing organization approved by the division;

shall be present at all times when a child is in the care of the provider.

(b) An individual who is a provider or who:

(1) is employed; or

(2) volunteers;

as a caregiver at a facility where a provider operates a child care program shall maintain current certification in **cardiopulmonary resuscitation** and first aid applicable to all age groups of children cared for by the provider.

SECTION 2. IC 12-17.2-4-2, AS AMENDED BY P.L.145-2006, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) A license may be issued only if a child care center is in compliance with food, health, safety, and sanitation standards as determined by the division under rules adopted by the division under IC 12-17.2-2-4 or in accordance with a variance or waiver approved by the division under IC 12-17.2-2-10.

(b) A license may be issued only if the child care center is in substantial compliance with the fire and life safety rules as determined by the state fire marshal under rules adopted by the division under IC 12-17.2-2-4 or in accordance with a variance or waiver approved by the division under IC 12-17.2-2-10.

(c) The division may issue a waiver or variance regarding a



determination by the division or the state fire marshal under subsections (a) and (b).

(d) At least one (1) ~~adult~~ individual who: ~~maintains annual certification in a course of cardiopulmonary resuscitation applicable to all age groups of children cared for by the child care center~~

**(1) is at least twenty-one (21) years of age; and**

**(2) possesses a child development associate credential from the Council for Professional Recognition, or an equivalent credential from a nationally recognized credentialing organization approved by the division;**

shall be present at all times when a child is in the care of a child care center.

(e) An individual who **is a provider or who:**

(1) is employed; or

(2) volunteers;

as a caregiver at a child care center shall maintain current certification in **cardiopulmonary resuscitation and** first aid applicable to all age groups of children cared for by the child care center.

(f) Upon request, the county office of family and children shall provide, within forty-eight (48) hours, excluding weekends and holidays, copies of substantiated noncompliances and other substantiated complaints filed with the division of family resources concerning a licensed child care center.

SECTION 3. IC 12-17.2-5-18.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 18.2. ~~(a) At least one (1) adult individual who: maintains annual certification in a course of cardiopulmonary resuscitation applicable to all age groups of children cared for by the child care home~~

**(1) is at least twenty-one (21) years of age; and**

**(2) possesses a child development associate credential from the Council for Professional Recognition, or an equivalent credential from a nationally recognized credentialing organization approved by the division;**

shall be present at all times when a child is in the care of a child care home.

(b) An individual who **is a provider or who:**

(1) is employed; or

(2) volunteers;

as a caregiver at a child care home shall maintain current certification in **cardiopulmonary resuscitation and** first aid applicable to all age groups of children cared for by the child care home.

SECTION 4. IC 12-17.2-6-5, AS AMENDED BY P.L.1-2006, SECTION 194, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. ~~(a) As used in this section, "primary use of the building" means the occupancy classification that is:~~



(1) most closely related to the intended use of the building; and  
 (2) determined by the rules of the fire prevention and building safety commission in effect at the time that the child care ministry is first registered.

~~(b)~~ (a) The state fire marshal shall inspect a child care ministry registered under section 2 of this chapter to ensure that the child care ministry complies with the requirements of subsection ~~(c)~~ (b).

~~(c)~~ (b) Except as provided in the following, a registered child care ministry shall comply with all rules of the fire prevention and building safety commission applicable to the ~~primary~~ **actual** use of the building:

(1) A registered child care ministry with an occupant load of at least fifty (50) shall do either of the following:

(A) Install and maintain a fire alarm system in compliance with the rules of the fire prevention and building safety commission.

(B) Provide a notice on a form prescribed by the division of fire and building safety to the parents of each child who attends the ministry stating that the ministry does not have the same level of fire safety protection as a licensed child care center.

(2) Each registered child care ministry with an occupant load of less than fifty (50) shall do either of the following:

(A) Install and maintain in good operating condition at least one (1) battery operated smoke detector in each room and corridor used by the ministry.

(B) Provide a notice on a form prescribed by the division of fire and building safety to the parents of each child who attends the ministry stating that the ministry does not have the same level of fire safety protection as a licensed child care center.

(3) Each registered child care ministry shall comply with the rules of the fire prevention and building safety commission concerning fire drills.

For purposes of this subsection, occupant load is determined by dividing the total square footage of the area used by the child care ministry by thirty-five (35) and rounding any result that is not a whole number up to the next whole number.

~~(d)~~ (c) The state fire marshal shall make an inspection of a child care ministry registered under section 2 of this chapter at least annually.

~~(e)~~ (d) During an inspection, the state fire marshal shall inspect the structure in which the child care ministry is conducted for fire safety and life safety with respect to the structure's **primary actual** use.

SECTION 5. IC 12-17.2-6-14, AS AMENDED BY P.L.124-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 14. The child care ministry must do the following:



- (1) Conduct a criminal history check of the child care ministry's employees and volunteers.
- (2) Refrain from employing, or allowing to serve as a volunteer, an individual who:

(A) has been convicted of ~~any of the following felonies:~~

- ~~(i) Murder (IC 35-42-1-1);~~
- ~~(ii) Causing suicide (IC 35-42-1-2);~~
- ~~(iii) Assisting suicide (IC 35-42-1-2.5);~~
- ~~(iv) Voluntary manslaughter (IC 35-42-1-3);~~
- ~~(v) Reckless homicide (IC 35-42-1-5);~~
- ~~(vi) Battery (IC 35-42-2-1);~~
- ~~(vii) Aggravated battery (IC 35-42-2-1.5);~~
- ~~(viii) Kidnapping (IC 35-42-3-2);~~
- ~~(ix) Criminal confinement (IC 35-42-3-3);~~
- ~~(x) A felony sex offense under IC 35-42-4;~~
- ~~(xi) Carjacking (IC 35-42-5-2);~~
- ~~(xii) Arson (IC 35-43-1-1);~~
- ~~(xiii) Incest (IC 35-46-1-3);~~
- ~~(xiv) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2));~~
- ~~(xv) Child selling (IC 35-46-1-4(d));~~
- ~~(xvi) A felony involving a weapon under IC 35-47 or IC 35-47.5;~~
- ~~(xvii) A felony relating to controlled substances under IC 35-48-4;~~
- ~~(xviii) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3;~~
- ~~(xix) A felony that is substantially equivalent to a felony listed in items (i) through (xviii) for which the conviction was entered in another state; a felony;~~

(B) has been convicted of:

- (i) a misdemeanor related to the health or safety of a child;
- or
- (ii) a misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or
- (iii) a misdemeanor for operating a child care home without a license under IC 27-17.2-5-35; or

(C) is a person against whom an allegation of child abuse or neglect has been substantiated under IC 31-33.

(3) Maintain records of each criminal history check.

SECTION 6. IC 12-17.2-6-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 16. (a) At least one (1) individual who:**

- (1) is at least twenty-one (21) years of age; and**
- (2) possesses a child development associate credential from**



1           the Council for Professional Recognition, or an equivalent  
2           credential from a nationally recognized credentialing  
3           organization approved by the division;

4 shall be present at all times when a child is in the care of a child  
5 care ministry.

6           (b) A caregiver must be:

7           (1) at least:

8           (A) seventeen (17) years of age and enrolled in high school;  
9           or

10           (B) eighteen (18) years of age and possess a high school  
11           diploma or equivalent; and

12           (2) certified in cardiopulmonary resuscitation and first aid  
13           applicable to all age groups of children cared for by the child  
14           care ministry.

15           (c) A child in the care of a child care ministry must at all times  
16           be under the direct supervision of a caregiver. If the child is less  
17           than twenty-five (25) months of age, the child must at all times be  
18           under the direct supervision of a caregiver who is at least  
19           twenty-one (21) years of age.

20           (d) Except as provided in subsection (e), a child care ministry  
21           shall comply with the child to staff ratio that would apply to the  
22           child care ministry if the child care ministry were licensed under  
23           IC 12-17.2-4 or IC 12-17.2-5.

24           (e) The staff portion of the child to staff ratio required by  
25           subsection (d) for the direct supervision of children may be  
26           reduced by fifty percent (50%):

27           (1) during a period when more than fifty percent (50%) of the  
28           children are sleeping; and

29           (2) if the normal child to staff ratio is maintained on the  
30           premises during the period described in subdivision (1).

31           This subsection does not apply if any child in the care of the  
32           applicable staff is less than thirteen (13) months of age.

